

MINUTE SUMMARY

Board of Directors Meeting

September 2, 2009
Start Time: 9:30 a.m.

LOCATION
San Bernardino Associated Governments
Santa Fe Depot - SANBAG Lobby 1st Floor
1170 W. 3rd Street, San Bernardino, CA

Board of Directors

President

Paul Eaton, Mayor
City of Montclair

Vice-President

Brad Mitzelfelt, Supervisor
County of San Bernardino

Charley Glasper, Mayor
City of Adelanto

Rick Roelle, Mayor
Town of Apple Valley

Julie McIntyre, Mayor Pro Tem
City of Barstow

Bill Jahn, Mayor Pro Tem
City of Big Bear Lake

Dennis Yates, Mayor
City of Chino

Gwenn Norton-Perry, Council Member
City of Chino Hills

Kelly Chastain, Mayor
City of Colton

Mark Nuaimi, Mayor
City of Fontana

Bea Cortes, Council Member
City of Grand Terrace

Mike Leonard, Council Member
City of Hesperia

Larry McCallon, Council Member
City of Highland

Rhodes "Dusty" Rigsby, Mayor Pro Tem
City of Loma Linda

Jeff Williams, Mayor
City of Needles

Alan Wapner, Council Member
City of Ontario

Diane Williams, Council Member
City of Rancho Cucamonga

Patricia Gilbreath, Mayor Pro Tem
City of Redlands

Ed Scott, Council Member
City of Rialto

Patrick Morris, Mayor
City of San Bernardino

Jim Harris, Council Member
City of Twentynine Palms

John Pomierski, Mayor
City of Upland

Ryan McEachron, Council Member
City of Victorville

Richard Riddell, Mayor
City of Yucaipa

William Neeb, Council Member
Town of Yucca Valley

Gary Ovitt, Supervisor
County of San Bernardino

Paul Biane, Supervisor
County of San Bernardino

Neil Derry, Supervisor
County of San Bernardino

Josie Gonzales, Supervisor
County of San Bernardino

Ray Wolfe, Caltrans
Ex-Officio Member

Deborah Robinson Barmack
Executive Director

**San Bernardino Associated Governments
County Transportation Commission
County Transportation Authority
County Congestion Management Agency
Service Authority for Freeway Emergencies**

Board of Directors

MINUTE SUMMARY

**September 2, 2009
9:30 a.m.**

**Location:
San Bernardino Associated Governments
Santa Fe Depot
SANBAG Lobby, 1st Floor
1170 W. 3rd Street, San Bernardino**

To obtain additional information on any items, please contact the staff person listed under each item. You are encouraged to obtain any clarifying information prior to the meeting to allow the Board to move expeditiously in its deliberations. Additional meeting procedures and agenda explanations are attached to the end of this agenda.

Called to Order - 9:30 a.m. by Mayor Paul Eaton

I Pledge of Allegiance

II. Attendance

**Charley Glasper, Adelanto
Rick Roelle, Apple Valley
Julie McIntyre, Barstow
Bill Jahn, Big Bear Lake
Kelly Chastain, Colton
Mark Nuaimi, Fontana
Larry McCallon, Highland
*Rhodes Rigsby, Loma Linda
Paul Eaton, Montclair
Jeff Williams, Needles
Alan Wapner, Ontario
Diane Williams, Rancho Cucamonga
Patricia Gilbreath, Redlands**

**Ed Scott, Rialto
Patrick Morris, San Bernardino
Jim Harris, Twentynine Palms
Ryan McEachron, Victorville
Richard Riddell, Yucaipa
William Neeb, Yucca Valley
Brad Mitzelfelt, County of San Bernardino
Gary Ovitt, County of San Bernardino
*Josie Gonzales, County of San Bernardino
Raymond Wolfe, Caltrans District 8
Jean-Rene Basle, SANBAG Counsel
Deborah Robinson Barmack, SANBAG**

***Arrived during Agenda Item 14**

- III. **Announcements:** Supervisor Ovitt requested that the SANBAG Board meeting be adjourned in memory of Riverside County Supervisor Roy Wilson who passed away. Board Members were reminded of the SANBAG Policy Committee meetings for the month of September as a result of conflicts with the League of California Cities meeting. Board Members were also notified that the Administrative Committee meeting may be cancelled. The groundbreaking celebration for the next phase of the I-215 Widening Project is September 14th, 10:00 a.m. at the Fairview Ford dealership in San Bernardino. The Mobility 21 conference will be held September 21st in Los Angeles. JB Hunt Trucking was awarded \$10 million through an American Recovery and Reinvestment Act grant for the deployment of 262 Liquefied Natural Gas trucks.
- IV. **Agenda Notices/Modifications:** Agenda Item 1, Conflict of Interest, was revised to reflect the apparent low bidder noted in Agenda Item 18. Agenda Item 18 was revised to identify the apparent low bidder.

Notes/Actions:

1. **Possible Conflict of Interest Issues for the Board Meeting of September 2, 2009** Pg. 12

*See Note

Note agenda item contractors, subcontractors and agents, which may require member abstentions due to conflict of interest and financial interests. Board Member abstentions shall be stated under this item for recordation on the appropriate item.

***Note the following abstention:**

Supervisor Gary Ovitt abstained on Agenda Item 18 stating a disqualifying campaign contribution in excess of \$250.

Consent Calendar

Items listed on the Consent Calendar are expected to be routine and non-controversial. These items have been discussed at SANBAG Policy Committee meetings and made available for public review as noted in the agenda. The Consent Calendar will be acted upon as a single motion. Items on the Consent Calendar may be removed for discussion by Board Member Request. Items pulled from the consent calendar will be brought up under Agenda Item 20.

MOVED:
Jahn

SECOND:
Chastain
20-0-0

Administrative Matters

2. **Board of Directors Attendance Roster** Pg. 14

Information Only

3. **Procurement Report for July 2009** Pg. 18

Information Only

Receive Monthly Procurement Report. **William Stawarski**

This item was unanimously received by the Administrative Committee on August 12, 2009.

Consent Calendar Continued....**Administrative Matters (Cont.)**

4. **San Bernardino Santa Fe Depot Property Management** Pg. 21 **Approved Consent**

Exercise the option to extend Contract 07-003, and approve Amendment No. 2, with CityCom Real Estate Services, Inc. for the San Bernardino Santa Fe Depot property and facility management increasing the compensation by \$48,594.00 for a new total contract authority of \$182,994.00 as identified in the Financial Impact Section.

Duane A. Baker

This item was reviewed and unanimously recommended for approval by the Administrative Committee on August 12, 2009. Staff has discussed the contract extension with the City of San Bernardino staff and they are in agreement. The contract amendment has been reviewed and approved as to form by SANBAG legal counsel.

Subregional Transportation Planning & Programming

5. **Grant Application Update for the American Recovery and Reinvestment Act: Transportation Investment Generating Economic Recovery (TIGER) Discretionary Program** Pg. 26 **Approved Consent**

1. Receive status update.

2. Approve the I-10 Westbound Mixed Flow Lane Addition project and the Interstate 15/La Mesa/Nisqualli Interchange project as SANBAG's TIGER Grant candidates.

3. Approve a joint application with the Southern California Regional Rail Authority (SCRRA) and other Metrolink agencies for Positive Train Control (PTC). **Ty Schuiling**

This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 13, 2009 and the Mountain/Desert Policy Committee on August 21, 2009.

Program Support/Council of Govts.

6. **Report on the passage of the Revised 2009-10 State Budget** Pg. 29 **Received & Filed**

Receive report on the passage of the Revised 2009-10 State Budget.
Jennifer Franco

This item was reviewed by the Administrative Committee on August 12, 2009.

Consent Calendar Continued....**Program Support/Council of Govts. (Cont.)**

- | | | |
|---|--------|-----------------------------|
| 7. Federal Update on Fiscal Year 2010 Transportation Appropriations and Surface Transportation Reauthorization | Pg. 36 | Received & Filed |
| <p>Receive report and provide direction to further SANBAG's federal advocacy efforts, if desired. Jennifer Franco</p> <p>This item was reviewed by the Administrative Committee on August 12, 2009.</p> | | |
| 8. SANBAG's State Advocacy Services | Pg. 42 | Approved Consent |
| <p>Approve Contract No. 09-223 with Smith, Watts & Company, LLC to provide State advocacy services in an amount not to exceed \$175,418. Jennifer Franco</p> <p>This item was reviewed and unanimously recommended for approval by the Administrative Committee on August 12, 2009. Legal review provided by Robert Messinger, Deputy County Counsel, San Bernardino County.</p> | | |

Project Development

- | | | |
|---|--------|-------------------------|
| 9. Request for Qualifications (RFQ) Contract C10027 for On-Call Right of Way Services | Pg. 52 | Approved Consent |
| <p>Authorize staff to release Request for Qualifications (RFQ) C10027 for On-Call Right of Way Services including Acquisition, Appraisal, Right of Way Engineering, Surveying, and other Specialty Professional Services. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 13, 2009. SANBAG Counsel has reviewed and approved the draft contract as to form.</p> | | |
| 10. SR-210 Habitat Restoration and Biological Monitoring Services | Pg. 71 | Approved Consent |
| <p>Approve Amendment No. 5 to Contract No. 02-019 with LSA Associates Inc. (LSA) to extend the end date for On-call Environmental Services for SR-210, Segments 10 & 11 from September 5, 2009 to June 30, 2011. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 13, 2009. SANBAG Counsel has reviewed and approved the amendment as to form.</p> | | |

Consent Calendar Continued....

Project Development (cont.)

- | | | |
|---|---------------|--------------------------------|
| <p>11. Agreement Amendment for Pepper Avenue Extension to SR-210 in the City of Rialto</p> <p>1. Approve Amendment No. 3 to Contract No. 00-067 with the City of Rialto extending the time in which the City is to complete the extension of Pepper Avenue to SR-210.</p> <p>2. Stipulate that this is the final amendment to Contract No. 00-067 with respect to extending the time in which the City is to complete the extension of Pepper Avenue to SR-210 except for any delays resulting from unforeseen litigation challenging the findings of the environmental document for the Project. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 13, 2009. SANBAG Counsel has reviewed and approved the amendment as to form.</p> | <p>Pg. 76</p> | <p>Approved Consent</p> |
| <p>12. Cooperative Agreement No. C10047 with Caltrans for the I-10/Tippecanoe Interchange Project Plans, Specifications, and Estimates (PS&E)</p> <p>Approve Cooperative Agreement No. C10047 with Caltrans for the I-10/Tippecanoe PS&E. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on August 13, 2009. SANBAG Counsel has reviewed and approved the agreement as to form.</p> | <p>Pg. 85</p> | <p>Approved Consent</p> |
| <p>13. Hunts Lane/UPRR Grade Separation Project</p> <p>Approve pipeline relocation Agreement No. C10005 with SFPP, L.P, for the final design and construction relocation of Kinder Morgan's existing petroleum product pipeline in the amount of \$1,451,307, which represents Kinder Morgan's <i>estimated</i> total costs for relocating the pipeline. The agreement provides that Kinder Morgan will invoice SANBAG if their <i>actual</i> costs exceed the <i>estimated</i> costs and reimburse SANBAG if their <i>actual</i> costs are less than the <i>estimated</i> costs. Garry Cohoe</p> <p>This item was reviewed and unanimously recommended for approval by the Major Projects Committee on July 9, 2009. SANBAG Counsel has reviewed and approved the draft agreement as to form.</p> | <p>Pg. 97</p> | <p>Approved Consent</p> |

DISCUSSION ITEMS

Program Support/Council of Govts.

- | | | | |
|-----|---|---------|---|
| 14. | <p>Federal Legislative Report by Steve Palmer, SANBAG Federal Advocate</p> <p>Receive Update from Steve Palmer of Van Scoyoc Associates, Inc. – SANBAG’s Federal Legislative Advocacy Consultant.
 Jennifer Franco</p> <p>This item has had no prior policy committee review.</p> <p>Steve Palmer provided an update on current events in Washington, D.C. and answered questions from Board Members on public-private partnerships and container fee initiatives.</p> | Pg. 104 | Information Only |
| 15. | <p>Budget Amendment for Local Stimulus Program</p> <ol style="list-style-type: none"> 1. Approve a budget amendment to increase Task No. 50510000 in the amount of \$24,326,118; and 2. Approve a budget amendment to increase Task No. 50410000 in the amount of \$5,873,882 to provide for funding the Local Stimulus Program approved by the SANBAG Board of Directors in the amount of \$30,200,000. Duane A. Baker <p>This item was reviewed by the Administrative Committee on August 12, 2009. The Committee unanimously approved the budget amendment for the first installment. The Administrative Committee also stated its intent that the second installment be made available as soon as possible.</p> <p>Staff read into the record a revised recommendation:</p> <ol style="list-style-type: none"> a. Approve a budget amendment to increase Task No. 50410000 (Measure I Administration-Valley) in the amount of \$24,326, 118; and increase Task No. 50510000 (Measure I Administration – Mountain/Desert) in the amount of \$5,873,882 to provide funding for the Local Stimulus Program approved by the Board of Directors; and b. Amend the Local Stimulus Program to make the funds available in one installment and to extend the project application period from 90 days to a period ending September 1, 2010; and c. Direct staff to prepare for Board review and approval a plan to apply State/Local Partnership funds to identified Measure I Major Projects. | Pg. 105 | <p>MOVED:
 Morris
 SECOND:
 Nuaimi
 22-0-0</p> |

Discussion Items Continued....**Program Support/Council of Govts. (Cont.)****16. Local Stimulus Program Reimbursement Procedure**

Pg. 107

Approve the Local Stimulus Program reimbursement procedures outlined in this report and Attachment A of this report.
Duane A. Baker

This item was reviewed by the Comprehensive Transportation Plan Technical Advisory Committee (CTPTAC) on August 10, 2009 and the Major Projects Committee on August 13, 2009 and was amended by the Major Projects Committee as noted above. The item, with amendments, was reviewed by the Mountain/Desert Committee on August 21, 2009.

Motion by McCallon to approve staff recommendation and Second by Nuaimi. Supervisor Mitzelfelt requested the procedure be modified to provide 50% of the funds to each jurisdiction as a local pass-through. Concerns were raised regarding the impacts of this request. Following discussion, the staff recommendation was unanimously approved without modification. Staff was directed to provide information related to the impacts of the request to Policy Committees.

**MOVED:
McCallon
SECOND:
Nuaimi
22-0-0**

Transit/Commuter Rail**17. License Agreement with Central Park Plaza, L.P.**

Pg. 112

Approve License Agreement (SANBAG Contract 10001) with Central Park Plaza, L.P. for the construction of a retaining wall to surround Southern California Edison facilities adjacent to the former Southern Pacific Baldwin Park Branch in the City of Montclair.
Mitchell Alderman

This item has not received policy committee review due to the cancellation of the August 19th Plans and Programs Committee. The License Agreement has been reviewed and approved as to form by SANBAG Legal Counsel.

**MOVED:
Gilbreath
SECOND:
McCallon
22-0-0**

Discussion Items Continued....

Project Development

18. **Construction Contract for Interstate 215 Segments 1 and 2**
 Award Construction Contract to the lowest responsive bidder for the Interstate 215 Segments 1 and 2 Construction. **Garry Cohoe**
 Approval to take this item directly to the Board was unanimously approved by the Major Projects Committee on July 9, 2009.

Pg. 136

MOVED:
Gonzales
SECOND:
Mitzelfelt
21-0-1
ABSTAINED:
Ovitt

REVISED Agenda Item:

Award Construction Contract No. C09196 for Interstate 215 Segments 1 and 2 Construction (Project)

1. Adopt the determination of the reconsideration panel (Exhibit D) and find that Skanska-Rados, a joint venture, met the Good Faith Efforts required pursuant to the Project Special Provisions and 49 CFR Part 26, Appendix A to achieve the Underutilized Disadvantaged Business Enterprise (UDBE) goal established for this Project.

2. Award Construction Contract No. C09196 to Skanska-Rados A Joint Venture for the Interstate 215 Segments 1 and 2 Construction in the amount of \$172,655,044.

Agenda item revised to reflect award of contract to the lowest bidder, Skanska-Rados, a joint venture.

Subregional Transportation Planning & Programming

19. **Budget Amendment to Task No. 70110000 – San Bernardino Valley Signal Synchronization program Tier 3 & 4 design**
 Approve Budget Amendment to Task No. 70110000, San Bernardino Valley Signal Synchronization program, for previously approved consultant contract in the amount of \$2,587,878, for a total budget of \$2,672,499 as specified in the Financial Impact Section.
Ty Schuiling

Pg. 139

MOVED:
Chastain
SECOND:
Jahn
22-0-0

Because of the time sensitivity of initiating work on this project and previous approvals of project funding, this item is being taken directly to the SANBAG Board of Directors without prior policy committee review.

Other Matters

20. Consent Calendar Items Pulled for Discussion: NONE

Items pulled from the consent calendar shall be taken under this item in the order they were presented on the calendar.

Comments from Board Members

Council Member Chastain requested a copy of Steve Palmer's presentation.

Mayor Morris thanked his colleagues and SANBAG staff for their support and helping securing stimulus money for the I-215 widening project.

Public Comment

Brief Comments by the General Public – NON

**ADJOURNMENT at 10:30 a.m.
in Memory of Roy Wilson**

Additional Information

Agency Reports/Committee Memberships

Commuter Rail Report

Pg. 140

Mayor Pro Tem Patricia Gilbreath

South Coast Air Quality Management Report (*No report this month*)

Mayor Dennis Yates

Mobile Source Air Pollution Reduction Review Committee (MSRC)

Council Member Gwenn Norton-Perry (*No report this month*)

SCAG Committees

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SCAG Regional Council

SCAG Policy Committees

Community, Economic and Human Development

Energy and Environment

Transportation and Communications

SANBAG Policy Committees

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Acronym List

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Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Meeting Procedures and Rules of Conduct

Meeting Procedures

The Ralph M. Brown Act is the state law which guarantees the public's right to attend and participate in meetings of local legislative bodies. These rules have been adopted by the Board of Directors in accordance with the Brown Act, Government Code 54950 et seq., and shall apply at all meetings of the Board of Directors and Policy Committees.

Accessibility

The SANBAG meeting facility is accessible to persons with disabilities. If assistive listening devices or other auxiliary aids or services are needed in order to participate in the public meeting, requests should be made through the Clerk of the Board at least three (3) business days prior to the Board meeting. The Clerk's telephone number is (909) 884-8276 and office is located at 1170 W. 3rd Street, 2nd Floor, San Bernardino, CA.

Agendas – All agendas are posted at 1170 W. 3rd Street, 2nd Floor, San Bernardino at least 72 hours in advance of the meeting. Complete packages of this agenda are available for public review at the SANBAG offices and our website: www.sanbag.ca.gov. Staff reports for items may be made available upon request. For additional information call (909) 884-8276.

Agenda Actions – Items listed on both the "Consent Calendar" and "Items for Discussion" contain suggested actions. The Board of Directors will generally consider items in the order listed on the agenda. However, items may be considered in any order. New agenda items can be added and action taken by two-thirds vote of the Board of Directors.

Closed Session Agenda Items – Consideration of closed session items *excludes* members of the public. These items include issues related to personnel, pending litigation, labor negotiations and real estate negotiations. Prior to each closed session, the Chair will announce the subject matter of the closed session. If action is taken in closed session, the Chair may report the action to the public at the conclusion of the closed session.

Public Testimony on an Item – Members of the public are afforded an opportunity to speak on any listed item. Individuals wishing to address the Board of Directors or Policy Committee Members should complete a "Request to Speak" form, provided at the rear of the meeting room, and present it to the SANBAG Clerk prior to the Board's consideration of the item. A "Request to Speak" form must be completed for *each* item when an individual wishes to speak on. When recognized by the Chair, speakers should be prepared to step forward and announce their name and address for the record. In the interest of facilitating the business of the Board, speakers are limited to three (3) minutes on each item. Additionally, a twelve (12) minute limitation is established for the total amount of time any one individual may address the Board at any one meeting. The Chair or a majority of the Board may establish a different time limit as appropriate, and parties to agenda items shall not be subject to the time limitations.

The Consent Calendar is considered a single item, thus the three (3) minute rule applies. Consent Calendar items can be pulled at Board member request and will be brought up individually at the specified time in the agenda allowing further public comment on those items.

Agenda Times – The Board is concerned that discussion take place in a timely and efficient manner. Agendas may be prepared with estimated times for categorical areas and certain topics to be discussed. These times may vary according to the length of presentation and amount of resulting discussion on agenda items.

Public Comment – At the end of the agenda, an opportunity is also provided for members of the public to speak on any subject within the Board's authority. *Matters raised under "Public Comment" may not be acted upon at that meeting. The time limits established in "Public Testimony on any Item" still apply.*

Disruptive Conduct – If any meeting of the Board is willfully disrupted by a person or by a group of persons so as to render the orderly conduct of the meeting impossible, the Chair may recess the meeting or order the person, group or groups of person willfully disrupting the meeting to leave the meeting or to be removed from the meeting. Disruptive conduct includes addressing the Board without first being recognized, not addressing the subject before the Board, repetitiously addressing the same subject, failing to relinquish the podium when requested to do so, or otherwise preventing the Board from conducting its meeting in an orderly manner. *Please be aware that a NO SMOKING policy has been established for meetings. Your cooperation is appreciated!*

**SANBAG General Practices for Conducting Meetings
of
Board of Directors and Policy Committees**

Basic Agenda Item Discussion.

- The Chair announces the agenda item number and states the subject.
- The Chair calls upon the appropriate staff member or Board Member to report on the item.
- The Chair asks members of the Board/Committee if they have any questions or comments on the item. General discussion ensues.
- The Chair calls for public comment based on “Request to Speak” forms which may be submitted.
- Following public comment, the Chair announces that public comment is closed and asks if there is any further discussion by members of the Board/Committee.
- The Chair calls for a motion from members of the Board/Committee.
- Upon a motion, the Chair announces the name of the member who makes the motion. Motions require a second by a member of the Board/Committee. Upon a second, the Chair announces the name of the Member who made the second, and the vote is taken.

The Vote as specified in the SANBAG Bylaws.

- Each member of the Board of Directors shall have one vote. In the absence of the official representative, the alternate shall be entitled to vote. (Board of Directors only.)
- Voting may be either by voice or roll call vote. A roll call vote shall be conducted upon the demand of five official representatives present, or at the discretion of the presiding officer.

Amendment or Substitute Motion.

- Occasionally a Board Member offers a substitute motion before the vote on a previous motion. In instances where there is a motion and a second, the maker of the original motion is asked if he would like to amend his motion to include the substitution or withdraw the motion on the floor. If the maker of the original motion does not want to amend or withdraw, the substitute motion is not addressed until after a vote on the first motion.
- Occasionally, a motion dies for lack of a second.

Call for the Question.

- At times, a member of the Board/Committee may “Call for the Question.”
- Upon a “Call for the Question,” the Chair may order that the debate stop or may allow for limited further comment to provide clarity on the proceedings.
- Alternatively and at the Chair’s discretion, the Chair may call for a vote of the Board/Committee to determine whether or not debate is stopped.
- The Chair re-states the motion before the Board/Committee and calls for the vote on the item.

The Chair.

- At all times, meetings are conducted in accordance with the Chair’s direction.
- These general practices provide guidelines for orderly conduct.
- From time-to-time circumstances require deviation from general practice.
- Deviation from general practice is at the discretion of the Board/Committee Chair.

Courtesy and Decorum.

- These general practices provide for business of the Board/Committee to be conducted efficiently, fairly and with full participation.
- It is the responsibility of the Chair and Members to maintain common courtesy and decorum.